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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/769,206

01/29/2004

Alan Harris

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29638

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02/27/2006

BANNER & WITCOFF AND ATTORNEYS FOR ACCENTURE  
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CHICAGO, IL 60606

EXAMINER

YACOB, SISAY

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/769,206

Applicant(s)

HARRIS, ALAN

Examiner

Sisay Yacob

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

1 The application of Harris "Event detection and transmission system" filed on January 29, 2004 has been examined.

Claims 1- 13 are pending

### Rejections - 35 USC § 103

2 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3 Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yarin et al., (6,294,999) in view of US publication of Lind et al., (20030033032).

4 As to claim 1, Yarin et al., discloses a data acquisition and transfer device (Col. 3, lines 20-41; Col. 5, lines 22-33; Col. 7, lines 1-11; Item 12 of figures 1-4 and 11-12) comprising a sensor responsive to change of predetermined nature (Col. 5, lines 42-48; Col. 6, lines 61-67; Item 37 of figures 1-4 and 11-12), and a transmitter for transmitting over a wireless network data concerning the occurrence of such a change to a receiver station (Col. 5, lines 15-21; Col. 6, lines 4-5; Col. 7, lines 12-21 Col. 8, lines 59-66), however, Yarin et al., does not expressly disclose the wireless network a mobile phone network. In the same field of endeavor, Lind et al., discloses a data acquisition and transfer device and a transmitter for transmitting over a mobile phone network data concerning the occurrence of such a change to a receiver station (Page 4, Par. 0043; See figure 11).

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the data acquisition and transfer device comprising a sensor and a transmitter for transmitting over a wireless network to a receiver station of Yarin et al., by incorporating transmitting over a mobile phone network, as taught by Lind et al., in order to have a data acquisition and transfer device comprising a sensor responsive to change of predetermined nature, and a transmitter for transmitting over a mobile phone network data concerning the occurrence of such a change to a receiver station, because Yarin et al., discloses a wireless network as one way of transmitting data from

the data acquisition and transfer device to a receiver station and Lind et al., discloses a mobile phone network as one of a wireless transmission medium to transmit data from a data acquisition and transfer device to a receiver station

5 As to claim 2, a device according to claim 1, further, Yarin et al., discloses a memory for storing each occurrence of a change, and a microprocessor controlling the transmission of stored data at selected intervals (Col. 1, lines 53-56; Col. 8, lines 49-58).

6 As to claim 3, a device according to claim 1, however, Yarin et al., does not expressly disclose including a receiver for receiving a polling signal, and microprocessor responsive to the receipt of a polling signal by the receiver to cause the transmitter to transmit data. In the same field of endeavor, Lind et al., discloses a receiver for receiving a polling signal, and microprocessor responsive to the receipt of a polling signal by the receiver to cause the transmitter to transmit data (Page 3, Par. 0036; Item 106).

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the data acquisition and transfer device of Yarin et al., by incorporating a receiver for receiving a polling signal, and transmit data, as taught by Lind et al., in order to have a receiver for receiving a polling signal, and microprocessor responsive to the receipt of a polling signal by the receiver to cause the transmitter to transmit data, because Lind et al., discloses a microprocessor that enters a sleep mode

in order to save power and wake-up when the it receives polling signal or wake-up request in order to save power.

7 As to claim 4, a device according to any one of the preceding claims, further, Lind et al., discloses a clock, the device being responsive to the clock output to reduce power consumption of the sensor by only switching the sensor on at predetermined intervals (Page 3, Par. 0036, lines 6-9).

8 As to claim 5, a device according to any preceding claim, further, Yarin et al., discloses the sensor is incorporated in a receptacle for containing drugs to be taken by a user (Col. 7, lines 21-34; Col. 8, lines 49-58; Item 34 of figures 1, 3, 11 and 12), and wherein the removal of an item from the receptacle is the change to be detected by the sensor (Col. 8, lines 49-58; Col.9, lines 33-42).

9 As to claim 6, a device according to any preceding claim, further, Yarin et al., discloses at least one additional sensor adapted to monitor a physiological condition of the user of the device (Col. 3, lines 52-65; Col. 5, lines 58-67).

10 As to claim 7, a device according to any one of claims 1 to 4, further, Yarin et al., discloses the sensor is adapted to monitor the location of an article (Col. 3, lines 52-65; Col. 6, lines 45-55; Col.12, lines 40-51).

11 As to claim 8, a device according to any one of claims 1 to 4, further, Yarin et al., discloses the sensor is adapted to monitor physical conditions of an article or a person (Col.12, lines 1-39).

12 As to claim 9, a data acquisition and transfer system incorporating a device as claimed in any one of the preceding claims, further, Yarin et al., discloses a reception terminal for receiving data transmitted from the device and storing the received data (Col. 5, lines 22-33, 38-42).

13 As to claim 10, a system according to claim 9, further, Yarin et al., discloses the system includes a generator for generating polling signals for each device associated with the system (Col. 7, lines 39-53).

14 As to claim 11, a system according to claim 10, further, Yarin et al., discloses a memory, and adapted to store data received from the devices as individual logs of detector events (Col. 5, lines 22-33).

15 As to claims 12 and 13, Yarin et al., discloses a data acquisition system, a data receiver station for use with at least one data acquisition and transfer device, the device having a sensor responsive to change of a predetermined nature (Items 14, 16 and 18 of figures 1, 2; Items 150-160 of figure 7; Items 240 and 360 of figures 8 and 9), a transmitter for transmitting over the mobile phone network data concerning the

occurrence of such a change to the data receiver station (Col. 5, lines 15-21; Col. 6, lines 4-5; Col. 7, lines 12-21 Col. 8, lines 59-66), a memory for storing the or each occurrence of a change (Col. 3, lines 37-38; Col. 5, lines 29-32; Col. 7, lines 5-6), a microprocessor means including a clock a receiver adapted to receive data transmitted over the mobile phone network by the or each data acquisition and transfer device (Col. 5, lines 15-21; Col. 6, lines 4-5; Col. 7, lines 12-21 Col. 8, lines 59-66), a memory adapted to store data received from the or each data acquisition and transfer device as individual logs of detected events (Col. 1, lines 53-56; Col. 8, lines 49-58), however, Yarin et al., discloses a receiver for receiving a polling signal from the receiver station over the mobile phone network and microprocessor means responsive to the receipt of a polling signal from the receiver station to cause the transmitter to transmit data stored in the memory to the receiver station, the microprocessor means including a clock and being adapted to reduce the power consumption of the sensor by only switching the sensor on at predetermined intervals as determined by the clock, and wherein the receiver station comprises a transmitter adapted to send polling signals to the or each data acquisition and transfer device, and a storage area storing data representing polling times at which the transmitter of the receiver station transmits polling signals to the data acquisition and transfer device or selected data acquisition and transfer devices at intervals determined by clock means which are normally in synchronism with the clock in each data acquisition and transfer device so that the receiver station is adapted to send the polling signals when each target data acquisition and sensor device is switched on. Lind et al., discloses a receiver for receiving a polling signal, and

microprocessor responsive to the receipt of a polling signal by the receiver to cause the transmitter to transmit data the microprocessor means including a clock and being adapted to reduce the power consumption of the sensor by only switching the sensor on at predetermined intervals as determined by the clock, and wherein the receiver station comprises a transmitter adapted to send polling signals to the or each data acquisition and transfer device, and a storage area storing data representing polling times at which the transmitter of the receiver station transmits polling signals to the data acquisition and transfer device or selected data acquisition and transfer devices at intervals determined by clock means which are normally in synchronism with the clock in each data acquisition and transfer device so that the receiver station is adapted to send the polling signals when each target data acquisition and sensor device is switched on (Page 3, Par. 0036; Item 106 of figures 2-4; Page 6, Par. 0057; Item 355 of figure 13; See figures 10-13).

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify a data receiver station for use with at least one data acquisition and transfer device of Yarin et al., by incorporating a receiver for receiving a polling signal, and transmit data, as taught by Lind et al., in order to have a data receiver station for use with at least one data acquisition and transfer device, the device having a sensor responsive to change of a predetermined nature, a transmitter for transmitting over the mobile phone network data concerning the occurrence of such a change to the data receiver station, a memory for storing each occurrence of a change, a receiver for receiving a polling signal from the receiver station over the mobile phone network and

microprocessor means responsive to the receipt of a polling signal from the receiver station to cause the transmitter to transmit data stored in said memory to said receiver station, the microprocessor means including a clock and being adapted to reduce the power consumption of the sensor by only switching the sensor on at predetermined intervals as determined by the clock, and wherein the receiver station comprises a transmitter adapted to send polling signals to the or each data acquisition and transfer device, a receiver adapted to receive data transmitted over the mobile phone network by the or each data acquisition and transfer device, a memory adapted to store data received from the or each data acquisition and transfer device as individual logs of detected events, and a storage area storing data representing polling times at which the transmitter of the receiver station transmits polling signals to the data acquisition and transfer device or selected data acquisition and transfer devices at intervals determined by clock means which are normally in synchronism with the clock in each data acquisition and transfer device so that the receiver station is adapted to send the polling signals when each target data acquisition and sensor device is switched on, because Yarin et al., discloses a data receiver station for use with at least one data acquisition and transfer device a microprocessor means including a clock to receiver and store the occurrence of a change a memory by employing a polling means to request information from each individual sensor that are responsive to change of a predetermined nature and time. The data acquisition and transfer device also a transmit the data over the mobile phone network data to a receiver station over the mobile phone network and Lind et al., discloses a receiver for receiving a polling signal from the receiver station

over the mobile phone network and microprocessor means responsive to the receipt of a polling signal from the receiver station to cause the transmitter to transmit data stored in said memory to said receiver station, the microprocessor means including a clock and being adapted to reduce the power consumption of the sensor by only switching the sensor on at predetermined intervals as determined by the clock, and wherein the receiver station comprises a transmitter adapted to send polling signals to the or each data acquisition and transfer device; a receiver adapted to receive data transmitted over the mobile phone network by the or each data acquisition and transfer device, a memory adapted to store data received from the or each data acquisition and transfer device as individual logs of detected events; and a storage area storing data representing polling times at which the transmitter of the receiver station transmits polling signals to the data acquisition and transfer device or selected data acquisition and transfer devices at intervals determined by clock means which are normally in synchronism with the clock in each data acquisition and transfer device so that the receiver station is adapted to send the polling signals when each target data acquisition and sensor device is switched on.

### **Conclusion**

16 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following cited arts are further to show the state of art related to event detection and transmission system.

In the US patent of (5,917,429) Otis et al., discloses a contact-less connection system and method for communicating digital information between a portable data-gathering device and a data-using device.

In the US publication of (20020123672) Christophersom et al., discloses a system that includes an implantable medical device, along with a transceiver device that exchanges data with the patient, between the patient and the implantable medical device, and between a remote location and the implantable medical device.

In the US patent of (6,471,645) Warkentin et al., discloses implantable medical devices (IMDs). Specifically, the invention pertains to a remote bi-directional communications between the IMDs and a drug dispenser.

In the US publication of (20030004403) Drinan et al., discloses a remote or distributed continuous monitoring of physiologically relevant states.

In the US publication of (20030036683) Kehr et al., discloses a medical information management system and database.

In the US patent of (6,687,190) Momich et al., discloses methods and apparatuses for use in association with clinical trials and in particular with methods and apparatuses that include confirming that the correct medication has been administered.

In the US patent of (6,897,788) Khair et al., discloses a wireless system for medical monitoring is provided.

17 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sisay Yacob whose telephone number is (571) 272-8562. The examiner can normally be reached on Monday through Friday 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571) 272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sisay Yacob

2/21/2006

S.Y.

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